



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,605	02/19/2002	Michael John Branson	ROC920010345US1	5551

7590 03/21/2006

Gero G. McClellan
Moser, Patterson & Sheridan, L.L.P.
Suite 1500
3040 Post Oak Boulevard
Houston, TX 77056-6582

EXAMINER

BHATIA, AJAY M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,605

Applicant(s)

BRANSON ET AL.

Examiner

Ajay M. Bhatia

Art Unit

2145

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

In order to put the current application in better form for appeal examiner is withdrawing finality of the action in order to appropriately apply 101 rejections according to the new proposed guidelines and preferable avoid remand on this issue.

Examiner has provided a copy of the response to argument provided in the advisory action.

Applicants 1st argument is that Matson does not teach determining whether a new log entry comprises one or more required fields. Examiner disagrees, Matson teaches "Parsing may be defined as extracting information from the supplier-specific data format" and "In particular, the following fields in a supplier data record should be parsed (or constructed): supplier name, supplier product number, manufacturer name, manufacturer product number, vendor name, and vendor product number." It is clear from the cited section that Matson teach, determining if new log entry comprises one or more require fields.

2nd applicant argues that Matson does not teach using mapping rules that describe a location and format of one or more required fields. Examiner disagrees, Matson teaches, "Parsing" which is a mapping rules, parsing inherently include location and format. Therefore Matson teaches, "mapping rules that describe a location and format of one or more required fields."

3rd applicant argues that Matson does not teach extraction information from the new log entry only if the new log entry comprises the one or more required fields. Matson teaches "Parsing," which only remove content if it matched the selected criteria. Therefore Matson does teach, extraction information from the new log entry only if the new log entry comprises the one or more required fields.

4th applicant argues that Landry does not teach, a method of maintaining a database for managing a process of a plurality of transactions through two or more applications. Presently examiner is unclear why applicant is arguing this limitation, since in the final rejection examiner cited Matson for this limitation. Therefore this argument seems moot since it does not discuss the cited prior art.

Therefore in conclusion the arguments presented fail to persuade the examiner that the current claims overcome the prior art or record..

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims have been amended to tangible which is not supported by the specification. Applicant must use terminology that is consistent with the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Presently the specification in paragraph 19, it discusses a communications medium which is non-statutory form of invention.

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.

First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in

Art Unit: 2145

order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material.

"The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), *aff'd*, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter.

The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." *Diamond v. Chakrabarty*, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting *American Fruit Growers, Inc. v. Brogdex Co.*, 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary).

Other courts have applied similar definitions. See *American Disappearing Bed Co. v. Arnaelsteen*, 182 F. 324, 325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical substance, which a claimed signal does not have. Congress can be presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change. *Lorillard v. Pons*, 434 U.S. 575, 580 (1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in *American Fruit Growers* when it passed the 1952 Patent Act.

A manufacture is also defined as the residual class of product. 1 Chisum, § 1.02[3] (citing W. Robinson, *The Law of Patents for Useful Inventions* 270 (1890)).

A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of § 101.

Claim Rejections - 35 USC § 103

Art Unit: 2145

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matson et al. (U.S. Patent 6,668,254) in view of Landry (U.S. Patent 5,649,117).

For claim 1, Matson et al. teaches, a method of maintaining a database for managing a process of a plurality of transactions through two or more application in a business transaction environment, each application having at least one associated log file, and (see Matson et al. , Col. 2 lines 61-67, Col. 3 lines 9-16)

accessing each of the respective associated log files, wherein at least two of the associated log files are of different formats; (see Matson et al. , abstract, Col. 3 lines 9-16)

for each new log files are of different formats; (see Matson et al. , abstract, Col. 3 lines 9-16)

for each new log entry recorded in the respective associated log file being accessed:

(i) determining whether the new log entry comprises one or more required fields using mapping rules that describe a location and format of at least the one or more required fields in the respective associated log file: (see Matson et al. , Col. 3 lines 9-16, Col. 4 lines 16-21, Col. 5 lines 16-21, Col. 5 lines 22-38, new log entries are mapped in to fields in the XML file)

(ii) extracting information from the new log entry only if the new log entry comprises the one or more required fields; (see Matson et al. , Col. 6 lines 14-16)

and (iii) storing the information as a plurality of transaction records to a database. (see Matson et al. , Col. 9 lines 47-60)

Matson et al. fails to clearly disclose, each transaction being defined by one or more steps configured to complete the transaction, the method comprising:

Landry teaches, each transaction being defined by one or more steps configured to complete the transaction, the method comprising: (see Landry, figure 2A&B)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Matson et al.'s system of processing new data into a data into a database with Landry's method of defining records as transactions, since it is well known in the art that a database is designed to hold any type of record, and it would be obvious to make use of the database to support as many types of records, in order to increase the profitability of the database application by having an increased

Art Unit: 2145

user base (more users are able to buy and use the product). (see Matson et al. , Col. 2 Col. 61-67, Matson et al. provides for uses other than on-line shopping)

For claim 2, Matson et al.-Landry teaches, the method of claim 1, further comprising receiving a notification message from the respective associated log file indicating that the new log entry has been recorded in the respective associated log file. (see Matson et al. , Col. 4 lines 35-53, by doing a diff, the system is able to differentiate if a new log entry is filed)

For claim 4, Matson et al.-Landry teaches, the method of claim 1, wherein the information is extracted from the new log entry using the mapping rules providing the format and the location of the information in the new log entry. (see Matson et al. , Col. 5 lines 16-21, Col. 5 lines 22-38, new log entries are mapped in to fields in the XML file)

For claim 5, Matson et al.-Landry teaches, the method of claim 1, further comprising determining whether the plurality of transaction records satisfies an undesirable condition; (see Matson et al., Col. 6 lines 24-28, undesired condition is that record is missing information)

and executing an action responsive to the undesirable condition if the plurality of transactions satisfies the condition. (see Matson et al. , Col. 6 lines 24-28, records are moved the fault data file, this is the action to the undesirable condition)

Art Unit: 2145

For claim 6, Matson et al.-Landry teaches, the method of claim 5, wherein the condition is whether a number of the plurality of transaction records indicative of active transactions exceeds a predefined numerical limit. (see Matson et al. , Col. 8 lines 1-19, it would be obvious to make the response to the condition to trust the results)

For claim 7, Matson et al.-Landry teaches, the method of claim 5, wherein the condition is whether any of the plurality of transaction records indicative of active transactions has a time duration exceeding a predefined time limit. (see Landry, Col. 7 lines 20-29) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 7.

For claim 8, Matson et al.-Landry teaches, the method of claim 5, wherein executing the action comprises sending a notification message alerting the condition. (see Landry, Col. 31 lines 36-53) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 8.

For claim 9, Matson et al.-Landry teaches, the method of claim 5, wherein the action comprises executing a computer program for resolving the condition. (see Landry, Col. 30 lines 7-21) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 9.

Art Unit: 2145

For claim 10, Matson et al.-Landry teaches, the method of claim 1, wherein the one or more required fields comprises at least one of a transaction identifier, a step identifier, and a time stamp. (see Matson et al. , Col. 6 lines 24-29) and (see Landry, figure 2A&B, Col. 13 lines 35-60) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 10.

For claim 11, Matson et al.-Landry teaches, the method of claim 10, wherein step identifier is a unique identifier associated with a step of the transaction. (see Landry, Col. 13 lines 35-60, Col. 34 lines 14-44) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 11.

For claim 12, Matson et al.-Landry teaches, the method of claim 10, wherein the time stamp indicates a time at which the step started. (see Landry, Col. 30 lines 8-21) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 12.

For claim 13, Matson et al.-Landry teaches, the method of claim 1, wherein the information comprises at least one of a transaction type, a transaction origin, and a transaction destination, the transaction type, the transaction origin and the transaction destination identifying the transaction record. (see Landry, figure 2A&B) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 13.

For claim 14, Matson et al.-Landry teaches, the method of claim 13, wherein the transaction type describes the type of transaction. (see Landry, figure 2A&B) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 14.

For claim 15, Matson et al.-Landry teaches, the method of claim 13, wherein the transaction origin describes an entity that originated the transaction. (see Landry, figure 2A&B) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 15.

For claim 16, Matson et al.-Landry teaches, the method of claim 13, wherein the transaction destination describes a final destination of the transaction. (see Landry, figure 2A&B) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 16.

For claim 17, Matson et al.-Landry teaches, the method of claim 1, wherein storing the information comprises storing the information to the database as one of a transaction record and a step record, the transaction record being defined by one or more step records. (see Landry, figure 2A&B) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 17.

Art Unit: 2145

For claim 18, Matson et al.-Landry teaches, the method of claim 17, wherein the information comprises at least one of a step type and a step location, the step type and the step location identifying the step record. (see Landry, figure 2A&B) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 18.

For claim 19, Matson et al.-Landry teaches, the method of claim 18, wherein the step type describes the operation performed by one of the two or more applications at the time the new log entry is recorded. (see Landry, figure 2A&B ,Col. 34 lines 14-44) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 19.

For claim 20, Matson et al.-Landry teaches, the method of claim 18, wherein the step location describes a computer of at least one of the two or more applications. (see Landry, figure 2A&B, Col. 34 lines 14-44) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 20.

Claims 21-30 list all the same elements of claims 1-2, 3-20, but in computer readable medium and system form rather than method form. Therefore, the supporting rationale of the rejection to claims 1-2, 3-20 applies equally as well to claims 21-30.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892 (if appropriate).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2145

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jason Cardone
Supervisor Patent Examiner
Art Unit 2145

AB